

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 06.06.2019
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.17051 of 2014
and
M.P.Nos.1, 2 of 2014 and 1 of 2015

1. M.Sidharthan
2. M.Padmavathi Ammal
3. M.Sasikala
4. R.Shanraj
5. S.Duraisamy ... Petitioners

Vs.

N.Aarthi ... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in connection with the M.C.No.36 of 2014 filed under the Domestic Violence Act against the petitioners pending on the file of the XVIII Metropolitan Magistrate Court at Saidapet, Chennai and quash the same.

For Petitioners : M/s.R.Sumithra Chakkaravarthi

For Respondent : Mr.V.Devendhiran

O R D E R

This petition has been filed challenging the proceedings initiated by the respondent under the Domestic Violence Act.

2.The first petitioner is the husband of the respondent. The second and third petitioners are the in-law of the respondent. The 4th petitioner is the husband of the third petitioner and the fifth petitioner is the friend of the family of the other petitioners.

3. During the pendency of this petition, the parties were referred to the Mediation Centre in order to attempt for settlement. However, in spite of best efforts, settlement talks failed and failure report has been sent to this Court.

4. Heard the learned counsel appearing for the petitioners and the learned counsel appearing on behalf of the respondent.

5. A reading of the entire petition, prima facie makes out a case against the first petitioner. The allegations made in the complaint and the relief sought for is confined more against the first petitioner except for certain general allegations made against the petitioners 2 to 5. The proceedings have been pending from the year 2014 onwards.

6. Even though the learned counsel on either side have raised various contentions touching upon the facts of the case, this Court is not inclined to go into the facts of the case at this stage.

7. In the considered view of this Court, this Court finds that the complaint cannot be sustained against the petitioners 2 to 5 and materials are available only as against the first petitioner.

8. In the result, this Criminal Original Petition is partly allowed and the proceedings against the petitioners 2 to 5 is hereby quashed. In so far as, the first petitioner is concerned, the petition is dismissed. It is brought to the notice of the Court that an interim maintenance amount was fixed ex-parte without giving any opportunity to the first petitioner. The first petitioner has also filed a petition to set aside the ex-parte order and the same is pending. No purpose will be served in prosecuting the interim maintenance petition at this stage and therefore, there shall be a direction to the first petitioner to pay a sum of Rs.1.50 lakhs (Rupees One Lakh Fifty Thousand only) to the respondent as a lump sum interim maintenance amount, without prejudice to his rights to contest the case M.C.No. 36 of 2014 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai. On payment of this amount, the interim application shall be closed by the Court below. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order.

9. The Court below is directed to complete the proceedings in M.C.No.36 of 2014 insofar as the first petitioner is concerned, within a period of three months from the date of receipt of a copy of this order. It is left open to the parties to raise all the contentions before the Court below and the same shall be considered on its own merits and in accordance with law. Consequently, connected miscellaneous petitions are closed.

kal/ebsi

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

To

The XVIII Metropolitan Magistrate Court,
Saidapet, Chennai.

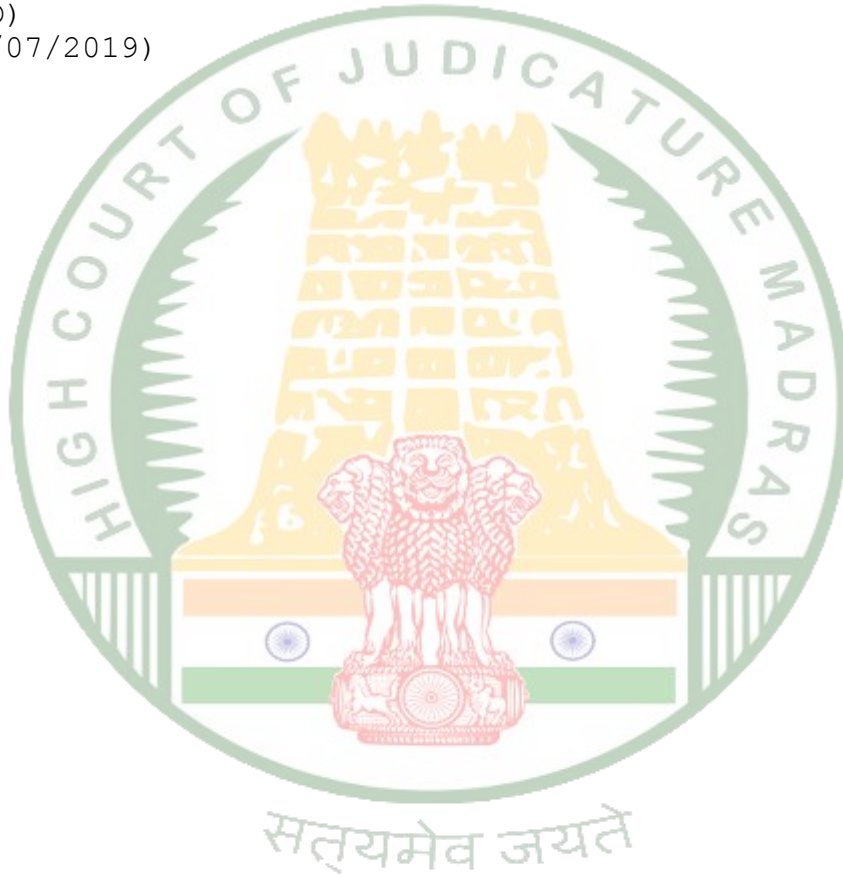
+1cc to Mr.V.Devendhiran , Advocate SR.No. 45433

Cr1.O.P.No.17051 of 2014

and

M.P.Nos.1 & 2 of 2014 and 1 of 2015

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A.SK(02/07/2019)



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